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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,645	09/12/2003	Lawrence J. O'Connor	082018-0305889	7584
909	7590	05/05/2005	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN, LLP			NGUYEN, JOHN QUOC	
P.O. BOX 10500			ART UNIT	
MCLEAN, VA 22102			PAPER NUMBER	
			3654	

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/660,645

Applicant(s)

O'CONNOR, LAWRENCE J.

Examiner

John Q. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) 1-11, 13-16, 26, 29, 32-35, 37-43, 45, 51 and 52 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12, 17-25, 27, 28, 30, 31, 36, 44, 46-50, 53 and 54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/12/03, 11/2/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Applicant's election without traverse of Species I (Figs. 9 and 10) of Invention II, claims 12, 17-25, 27, 28, 30, 31, 36, 44, 46-50, 53, 54 in the reply filed on 3/14/05 is acknowledged.

Claims 1-11, 13-16, 26, 29, 32-35, 37-43, 45, 51, 52 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species and invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 3/14/05. It should be noted that claims 26, 29, 37-41, and 43 do not read on the elected species and invention as asserted by applicant.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 12 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 12, it is not clear what structures provide for winding the strip under compression; a driven belt by itself does not necessarily provide that function.

All claims should be revised carefully to correct all other deficiencies similar to the ones noted above. The non-elected claims should also be similarly corrected at the same time so that the application can be allowed without delay should the generic claims become allowable.

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Stephens et al (US-2742240). Note at least lines 46-48 of column 1 and lines 57-60 of column 9.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stephens et al (US-2742240). The belt is shown to extend the length of the machine; therefore, to wind a strip having a maximum width that can be accommodated which would equal the belt width would have been obvious to a person having ordinary skill in the art to provide make full use of the machine.

Claims 49, 50, 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stephens et al (US-2742240) in view of Locatelli (US-5979819).

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Locatelli disclose another winding device having a winding belt 3. A tensioning system is provided comprising tensioning rollers 13 and 14 and load cells 16 to adjust belt tension. It would have been obvious to a person having ordinary skill in the art to alternatively provide the apparatus of Stephens et al with a tensioning system as taught by Locatelli to adjust the belt tension as the package diameter grows. Static charge dissipaters are old and well known in the art and Official notice is hereby taken of such; therefore, the provision of a static charge dissipater to dissipate static charge from the winding machine/belt would have been obvious to a person having ordinary skill in the art to dissipate static charges which potentially affect proper winding.

Claims 27, 28, 30, 31, 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stephens et al in view of Locatelli as applied to claims 49, 50, 54 above, and further in view of Moody (US-5467936).

Moody discloses a winding apparatus in which the web is slitted and the slitted portions are wound into individual rolls on a mandrel 16. It would have been obvious to a person having ordinary skill in the art to provide the apparatus of Stephens et al modified as above with a slitter to slit the web and obtain individual rolls as taught by Moody.

Claim 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stephens et al in view of Locatelli and Moody as applied to claims 27, 28, 30, 31, 53 above, and further in view of Sumida et al (US-5799898).

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Sumida et al discloses another winding apparatus in which the web is slitted and wound onto a plurality of cores. It would have been obvious to a person having ordinary skill in the art to wind the slitted webs onto a plurality of cores as taught by Sumida et al to obtain a plurality of rolls with cores.

Claims 17-22, 44, 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stephens et al (US-2742240) in view of Sumida et al (US-5799898) and Moody (US-5467936).

Slitting a strip/web and simultaneously winding the slitted strips onto a plurality of cores or onto a common core are old and well known in the art as shown by Sumida et al and Moody, respectively. It would have been obvious to a person having ordinary skill in the art to provide the apparatus of Stephens et al with strip slitting and simultaneous winding as is old and well known and shown by Sumida et al and Moody to wind a plurality of smaller strips simultaneously into smaller rolls. The controller of claim 46 is deemed inherent in the apparatus of Stephens et al or, alternatively, the provision of a controller so that the speed can be adjusted would have been obvious to a person having ordinary skill in the art to provide for adjustability. Lines 46-48 of column 1 and lines 57-60 of column 9 of Stephens et al suggests that the compression is adjusted by the weight; therefore, the provision of a "controller" to adjust the weight and therefore the compression would have been obvious to a person having ordinary skill in the art to provide for adjustability such as for winding different strip thickness. Relative to claim 47, the control of supply speed/torque/braking to control tension is old

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and well known in the art and Official notice of such is hereby taken; therefore to provide the feeding apparatus of Stephens et al modified as above with a driver that also control tension would have been obvious to a person having ordinary skill in the art to obtain a appropriately tensioned wound package. Claim 48 reads on a plurality of device as shown by Stephens et al, i.e. a duplication of the same apparatus, and therefore, would have been obvious to a person having ordinary skill in the art to obtain a multiplied effect.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Q. Nguyen whose telephone number is (571) 272-6952. The examiner can normally be reached on Monday, Tuesday, Thursday, and Friday, from 7:00 AM to 4:30 PM. The examiner can also be reached on alternate Wednesdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki, can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

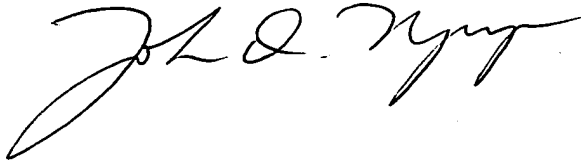
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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "J. Q. Nguyen". The signature is fluid and cursive, with the first name "John" and last name "Nguyen" clearly distinguishable.

John Q. Nguyen
Primary Examiner
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